## REMARKS

### Status of Application

Claims 1-27 are pending in the application; the status of the claims is as follows:

Claims 1-3, 5-8, 10-13, 15-18, and 20-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,552,813 B2 to Yacoub ("Yacoub"), U.S. Patent No. 6,825,952 B1 to Lee et al. ("Lee"), and further in view of U.S. Patent No. 6,744,531 B1 to Mestha et al. ("Mestha").

Claims 4, 9, 14, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yacoub, Lee, and Mestha as applied to claim 1 above, and further in view of Japanese Application Publication No. 410301737 A to Hirofumi et al. ("Hirofumi").

### 35 U.S.C. § 103(a) Rejections

The rejection of claims 1-3, 5-8, 10-13, 15-18, and 20-27 under 35 U.S.C. § 103(a), as being unpatentable over Yacoub, Lee, and further in view of Mestha, is respectfully traversed based on the following.

Claim 1 includes the limitation:

> a substitution controller for correcting print data expressed in a device dependent color system, that was to have been printed out by the printer in which the problem is detected by said detector, based on a color information of the printer in which the problem is detected by the detector and a color information of the selected substitute printer, to ensure that image quality of the images printed by the selected substitute printer is the same as that of the images printed by the printer in which the problem is detected, and for outputting the corrected print data expressed in the device dependent color system to the selected substitute printer, the color information of the printer in which the problem is detected and the selected substitute printer each includes color conversion information for the respective printer between the device dependent color system and a device independent color space.

In particular, this limitation requires that "the color information of the printer in which the problem is detected and the selected substitute printer each includes color conversion information for the respective printer between the device dependent color system and a device independent color space," emphasis added. Thus, claim 1 requires that the color information include color conversion information for converting between a device dependent color system and a device independent color space.

The Office Action states that the combination of Yacoub and Lee fails to disclose such color conversion information and for this reason combines Mestha with Yacoub and Lee. However, Mestha, like Yacoub and Lee fails to disclose the required color conversion information. The cited portion of Mestha (col. 2, lines 15-55) indicates an image is printed and placed before an optical sensor to detect the color values of the printed image. The printable image data adjustment system then compares the detected color values from the printed image with the color values of the target image to generate color adjustment factors. The system then applies these color adjustment factors and the image is reprinted. The process is then "iteratively performed until a particular tolerance is obtained or a maximum number of iterations is achieved." *See* col. 2, lines 51-53. Such an iterative process is wasteful of paper, ink, and time. Further, such an iterative process is inconsistent with color information that already includes "color conversion information for the respective printer between the device dependent color system and a device independent color space." If Mestha's printable image data adjustment system included "color conversion information for the respective printer between the device dependent color system and a device independent color space," it would not need to iteratively print out page after page "to ensure that image quality of the images printed by the selected substitute printer is the same as that of the images printed by the printer in which the problem is detected." Thus, the cited portion of Mestha fails to disclose at least this limitation of claim 1. Because Mestha fails to disclose this limitation of claim 1, the combination of Yacoub, Lee, and Mestha does not disclose or suggest at least this limitation of claim 1 and therefore cannot render obvious the invention of claim 1.

Furthermore, a printer control device, based upon the combination of Mestha's printable image data adjustment system and Yacoub's printer substitution technique, would not include the required color information for the respective printers "to ensure that the image quality of the images printed by the selected substitute printer is the same as that of the images printed by the printer in which the problem is detected." In other words, according to Mestha's disclosure, the given printer itself, not the printer control device, undertakes the color adjustment of a given printer. Thus, the combination of Yacoub, Lee, and Mestha does not result in the apparatus claimed in claim 1, especially in that the printer control device itself would not correct print data for the purpose of ensuring consistent image quality.

Claims 2, 3, 5, and 21 depend from claim 1. As claim 1 is considered nonobvious by the combination of Yacoub, Lee, and Mestha, claims 2, 3, 5, and 21 are likewise considered nonobvious.

As noted in the August 10, 2006 Office Action, claims 6-8, 10, and 22 correspond to method claims with limitations and scopes similar to apparatus claims 1-3, 5, and 21. While Applicant does not agree that claims 6-8, 10, and 22 stand or fall together with claims 1-3, 5, and 21, it is correct that these claims require "the color information of the printer in which the problem is detected and the selected substitute printer each includes color conversion information for the respective printer between the device dependent color system and a device independent color space." As discussed above, the combination of Yacoub, Lee, and Mestha fails to disclose or suggest these limitations, and therefore the references cannot render obvious claims 6-8, 10, and 22.

Also as noted in the August 10, 2006 Office Action, claims 11-13, 15, and 23 correspond to computer readable medium claims with limitations and scopes similar to apparatus claims 1-3, 5, and 21. While Applicant does not agree that claims 11-13, 15, and 23 stand or fall together with claims 1-3, 5, and 21, it is correct that these claims require "the color information of the printer in which the problem is detected and the selected substitute printer each includes color conversion information for the respective printer between the

device dependent color system and a device independent color space." As discussed above, the combination of Yacoub, Lee, and Mestha fails to disclose or suggest these limitations, and therefore the references cannot render obvious claims 11-13, 15, and 23.

Furthermore, as noted in the August 10, 2006 Office Action, claims 16-18, 20, and 24 correspond to system claims with limitations and scopes similar to apparatus claims 1-3, 5, and 21. While Applicant does not agree that claims 16-18, 20, and 24 stand or fall together with claims 1-3, 5, and 21, it is correct that these claims require "the color information of the printer in which the problem is detected and the selected substitute printer each includes color conversion information for the respective printer between the device dependent color system and a device independent color space." As discussed above, the combination of Yacoub, Lee, and Mestha fails to disclose or suggest these limitations, and therefore the references cannot render obvious claims 16-18, 20, and 24.

Also as noted in the August 10, 2006 Office Action, claims 25-27 "are the methods corresponding [to] the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 1 & 21 (respectively)." While Applicant does not agree that claims 25-27 stand or fall together with claims 1 and 21, it is correct that these claims require "the first reproduction characteristic including color conversion information for the first printer between a device dependent color system and a device independent color space, the second reproduction characteristic including color conversion information for the second printer between the device dependent color system and the device independent color space." As discussed above, the combination of Yacoub, Lee, and Mestha fails to disclose or suggest these limitations, and therefore the references cannot render obvious claims 25-27.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 5-8, 10-13, 15-18, and 20-27 under 35 U.S.C. § 103(a) as being unpatentable over the Yacoub, Lee, and further in view of Mestha, be reconsidered and withdrawn.

The rejection of claims 4, 9, 14, and 19 under 35 U.S.C. § 103(a), as being unpatentable over Yacoub, Lee, and Mestha as applied to claim 1 above, and further in view of Hirofumi, is respectfully traversed based on the following.

Claims 4, 9, 14, and 19 depend from claims 1, 6, 11, and 16, respectively. As discussed above, claims 1, 6, 11, and 16 are nonobvious over the combination of Yacoub, Lee, and Mestha. Claims 1, 6, 11, and 16 are nonobvious over the combination of Yacoub, Lee, Mestha, and Hirofumi for the same reasons. Hirofumi, like Yacoub, Lee, and Mestha, fails to disclose or suggest color information that includes "color conversion information for the respective printer between the device dependent color system and a device independent color space." Therefore, the combination of Yacoub, Lee, Mestha, and Hirofumi fails to disclose or suggest at least this limitation found in claims 1, 6, 11, and 16 and cannot render these claims obvious. Due to their dependence on claims 1, 6, 11, and 16, claims 4, 9, 14, and 19 are considered nonobvious for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 4, 9, 14, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yacoub, Lee, and Mestha as applied to claim 1 above, and further in view of Hirofumi, be reconsidered and withdrawn.

## CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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